IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 6031 of 1999

Between:

Mr.Dasari Uma Devi, D/o Satya Rao,
R/o narasannapeta(M), Srikakulam Dist.

..... PETITIONER

AND

1. The G.M., Dist.Co-operative Central Bank, Srikakulam.
2. Ms.P.Jyotirmai, Nonuboluvari Street, Srikakulam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the
1st respondent in selecting 2nd respondent to the post of manager of District Co-operative Central Bank, Srikakulam as illegal, arbitrary and capricious and consequently to declare that she is entitled to consider for the said post and to set aside the selection of the respondent No.2.

Counsel for the Petitioner: MR.D.RAMALINGA SWAMY

Counsel for the Respondent No.1: MR.KOKA RAGHAVA RAO

Counsel for the Respondent No.2: MR.M.V.SURESH KUMAR

The Court made the following:

O R D E R:

This writ petition is filed seeking a mandamus declaring the action of the first respondent in selecting the second respondent to the post of Manager of District Cooperative Central Bank, Srikakulam, as arbitrary and illegal and with a consequential direction to declare that the petitioner is entitled to the said post.

The District Cooperative Central Bank, Srikakulam issued a notification dated 10-08-1996 in No.5/Establishment/96-97 inviting applications for six posts of Managers in the first respondent-Bank. The petitioner has also applied to the said post along with others and was subjected to selection process. According to the petitioner, the second respondent who was selected by a duly constituted selection committee (which is not a party before this Court) has not conducted the selection process properly and she was allotted marks illegally inflating marks on various counts and thus the selection of the second respondent is bad in law. The total marks for the written examination were 250, for oral examination 50 marks, out of the 50 marks allotted for oral examination, 5 marks were allotted for Rural

Development and Cooperative Training, 5 marks for Banking Management and rest of the marks were allotted for group discussion. The second respondent was selected without possessing any requisite qualifications and if the selection of the second respondent is declared as null and void, the petitioner is entitled to the said post.

Separate counter-affidavits have been filed by the respondents 1 and 2 denying the allegations made by the petitioner. In the counter-affidavit filed by the first respondent, it is asserted that the second respondent has all the requisite qualifications. The petitioner secured 3rd rank, whereas the second respondent secured 11th rank in the results of the written examination. In the interview, the petitioner obtained only 25 marks, whereas the second respondent obtained 34 marks and also obtained another 5 marks for P.G. Diploma in Computers. Thus, the total marks obtained by the petitioner were 157 out of 300, whereas the second respondent obtained 159 marks out of 300. Consequently, the second respondent was selected by the committee and appointed as such. The interviews were conducted as per the guidelines issued by the Commissioner of Cooperation, Andhra Pradesh as per circular memo dated 05-10-1994 and the same were scrupulously followed by the selection committee. The final selection was made by the committee consisting of five members. The said committee awarded marks independently to each of the candidates interviewed. The marks allotted by each member of the committee was finally consolidated and total marks obtained by each of the candidates inclusive of the marks obtained in the written test, interview and also marks allotted for additional qualifications were taken into consideration. Thus, the second respondent has obtained 159 marks, whereas the petitioner obtained 157 marks.

The petitioner has not pointed out any glaring irregularity or illegality committed by the selection committee which was prejudicial to her interest. It is also to be seen here that though the action of the selection committee is questioned, the committee is not made a party to this writ petition.

From the above facts it is clear that the five members of selection committee have allotted marks on different counts against each candidate and those marks were consolidated and thereafter the marks obtained in the written test were clubbed and merit list was declared. Though the petitioner obtained 132 marks in the written test, she has obtained only 25 marks in the interview making a total of 157, whereas the second respondent obtained 120 marks in the written test and 34 marks in the interview and 5 marks for P.G. Diploma in computers, making a total of 159. Thus, the second respondent was selected. The same cannot be said to be either arbitrary or illegal.

An attempt is made by the learned counsel for the petitioner alleging that the computer certificate held by the second respondent is farce, she never passed any computer examination and the selection committee ought not to have allotted 5 marks to her on that count. The learned counsel further contends that the petitioner is entitled to 5 marks for holding a commerce degree with banking as one of the subjects. This cannot be gone into unless it is specifically demonstrated before this Court.

For all the above reasons and also for the reason that the selection committee was not a party to this writ petition, the writ petition is liable to be dismissed as it is devoid of merits.

The writ petition is accordingly dismissed. No order as to costs.

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06-12-2004.

Lrkm.

To

1. The General Manager, District Co-operative Central Bank, Srikakulam.
2.2CD copies.